

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,  
  
Plaintiff,

vs.

RUFINO J. VILLARREAL,  
  
Defendant.

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8:07CR69

ORDER

This matter is before the court on the motion for an extension of time by defendant Rufino Villarreal (Villarreal) (Filing No. 12). Villarreal seeks a thirty day extension of time in which to file pretrial motions pursuant to paragraph 3 of the progression order (Filing No. 9). Defense counsel represents to the court that counsel for the government has no objection to the extension. Villarreal's counsel represents that Villarreal consents to the motion and will submit an affidavit acknowledging he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Upon consideration, the motion will be granted.

**IT IS ORDERED:**

1. Defendant Villarreal's motion for an extension of time (Filing No. 12) is granted. Defendant Villarreal is given until **on or before May 4, 2007**, in which to file pretrial motions pursuant to the progression order (Filing No. 9). The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **April 6, 2007 and May 4, 2007**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

2. The evidentiary hearing tentatively scheduled for 10:00 a.m. on April 13, 2007, is **canceled** and will be rescheduled, if necessary, following the filing of any pretrial motions in accordance with this order

DATED this 6th day of April, 2007.

BY THE COURT:

s/ Thomas D. Thalken

United States Magistrate Judge